

THE ROSEN LAW FIRM, P.A.

Laurence M. Rosen, Esq.
609 W. South Orange Avenue, Suite 2P
South Orange, NJ 07079
Telephone: (973) 313-1887
Fax: (973) 833-0399
lrosen@rosenlegal.com

Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TED NUNEZ, JR., Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

IMPAX LABORATORIES, INC., FRED
WILKINSON, BRYAN M. REASONS,
AND LARRY HSU,

Defendants.

No.: 3:16-cv-08420-MAS-TJB

**NOTICE OF DISMISSAL
WITHOUT PREJUDICE
PURSUANT TO FED. R. CIV. P.
41(a)(1)(A)(i)**

CLASS ACTION

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Ted Nunez, Jr. hereby gives notice that the above-captioned action is voluntarily dismissed without prejudice against Defendants Impax Laboratories, Inc., Fred Wilkinson, Bryan M. Reasons, and Larry Hsu (“Defendants”).

Voluntary dismissal is appropriate under Fed. R. Civ. P. 41(a) given that Defendants have neither answered the Complaint nor filed a motion for summary judgment. A class has not been certified.

Furthermore, there is a substantially similar action proceeding forward against Defendants in the United States District Court for the Northern District of California styled as *Fleming v. Impax Laboratories Inc., et al.*, 3:16-cv-06557-HSG (N.D.Cal.)(the “*Fleming* Action”). The *Fleming* Action, filed on November 11, 2016, asserts claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder, arising from the same conduct as the instant action.

The dismissal is without prejudice. Each party is to bear their own costs and fees.

Dated: February 21, 2017

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

/s/ Laurence M. Rosen
Laurence M. Rosen, Esq.
609 W. South Orange Avenue, Suite 2P
South Orange, NJ 07079
Telephone: (973) 313-1887
Fax: (973) 833-0399
lrosen@rosenlegal.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February 2017, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Laurence M. Rosen